

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21778 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- PALANWA District- East Champaran

Dharmendra Prasad S/O Late Nagendra Prasad @ Nagendra Prasad Patel R/O
Village- Musharwa Ward No. 5, P.S- Palanwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Palanwa (Bhelahi) P.S.
Case No. 239 of 2023, instituted for the offences punishable
under Sections 30(a) and 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 84 liters
liquor was recovered from bicycle and the petitioner was
apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. It is further submitted that the petitioner is not the owner of the seized bicycle and he has no knowledge regarding the said recovery. The petitioner is in custody since 22.12.2023 and has got two criminal antecedents in which the petitioner is on bail. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Palanwa (Bhelahi) P.S. Case No. 239 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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